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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/589,577

01/10/2007

Fabrice Pinard

294013US6PCT

2725

22850

7590

11/03/2008

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER

MCNALLY, DANIEL

ART UNIT

PAPER NUMBER

1791

NOTIFICATION DATE

DELIVERY MODE

11/03/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/589,577	<b>Applicant(s)</b> PINARD, FABRICE	
	<b>Examiner</b> DANIEL MCNALLY	<b>Art Unit</b> 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 3,8,11,12 and 14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-7, 9, 10, and 13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                        |                                                                   |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/16/2006</u> .                                               | 6) <input type="checkbox"/> Other: _____                          |

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### DETAILED ACTION

1. Claims 3, 8, 11, 12 and 14 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention and species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 8/28/2008.

2. Applicant's election without traverse of Group I, Species A1 and Species B1 in the reply filed on 8/28/2008 is acknowledged.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 4-6, 9, 10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyazawa et al. [US5653357, of record, herein "Miyazawa"] in view of either one of Saunders [US5590558, of record, herein "Saunders"] or Fujimoto et al. [US5901601, of record, herein "Fujimoto"].

Miyazawa discloses a method of making a laminate part. The method comprises providing a steel sheet with a thickness from .1-.5mm (column 6, lines 27-67), providing a film of adhesive polymers with a thickness of about .1mm (column 8, lines 20-21), laminating the sheet with the film (column 9, lines 32-35), the laminated sheet has a total thickness which is the sum of the individual layer thicknesses, the laminate is drawn by a tool comprising a punch, die and annular holding member (column 9, lines

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22-31; column 9, line 66 - column 10, line 9). Miyazawa discloses using a convention drawing method but is silent as to the adjusting the value of the material passage.

Saunders discloses a method of draw processing a can. The method comprises a conventional draw practice along with preselecting a tool clearance equal to the can stock thickness, which eliminates any thickening of side wall metal during the cupping operation (column 6, lines 14-21).

Fujimoto discloses a method of drawn forming a plate, comprising defining a clearance or "material passage" to be approximately equal to the thickness of the plate in order to improve the accuracy of the bending process (column 4, lines 12-18; column 2, lines 19-29).

It would have been obvious to one of ordinary skill in the art to modify the method of Miyazawa by using a tool with a tool clearance equal to the thickness of the material being drawn as taught by either one of Saunders or Fujimoto in order to eliminate any thickening of side wall metal during the drawing operation. Because the clearance or "material passage" is equal to the thickness of the material being drawn, the claimed equation is satisfied.

With regard to claim 2, Miyazawa discloses the steel material is coated with the polymer film on what will be the inside surface of a formed container, and the punch is directly applied to the side of the steel material that is the inside surface, therefore the punch is directly contacted to the side of the steel material that is coated with the polymer film.

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With regard to claim 4, Miyazawa discloses providing a steel sheet with a thickness from .1-.5mm.

With regard to claim 5, Miyazawa discloses the thickness of the polymer film is about 0.1mm, and it would have been well within the purview of one of ordinary skill in the art to use a polymer film with a thickness greater than 0.2mm. Optimization of the polymer film thickness can be performed by one of ordinary skill to balance shock resistance, workability and flavor retentively, by ordinary experimentation.

With regard to claim 6, Miyazawa discloses the total thickness of the laminate steel sheet is between 0.3 and 1.2mm.

With regard to claim 9, Miyazawa discloses the polymer film is a thermoplastic.

With regard to claim 10, Miyazawa discloses the polymer film is polyester.

With regard to claim 13, Miyazawa discloses performing a surface treatment to the surface of the steel sheet to improve adhesion with the polymer film.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miyazawa either one of Saunders or Fujimoto, and further in view of Shimizu [US5686194, newly cited, herein "Shimizu"].

Miyazawa as modified discloses a method of forming a laminated part. Applicant is referred to paragraph 6 for a detailed discussion of Miyazawa as modified. Miyazawa discloses extruding the polymer film and laminating the polymer film to the steel sheet, but is silent as to directly extruding the polymer film to the steel sheet.

Shimizu discloses a method of forming a laminated part. The method comprises laminating a polymer film to a steel sheet. Shimizu discloses using one or a

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combination of process for laminating the polymer film to the sheet. Shimizu discloses the film can be formed and then laminated to the steel sheet or directly laminating the polymer film to the steel sheet (column 7, lines 1-25).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the method of Miyazawa by directly laminating the polymer film to the steel sheet as taught by Shimizu as a well known alternative to forming and laminating the polymer film. A substitution of well known alternatives is within the purview of one of ordinary skill.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL MCNALLY whose telephone number is (571)272-2685. The examiner can normally be reached on Monday - Friday 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daniel McNally/  
Examiner, Art Unit 1791

/John L. Goff/  
Primary Examiner, Art Unit 1791

/DPM/  
October 26, 2008